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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
020,383	03/14/79	Jan Heeres, et al.,	JAB-287

Leonard P. Prusak  
501 George St.,  
New Brunswick, N.J. 08903

EXAMINER	
JTovar	
ART UNIT	PAPER NUMBER
122	2

DATE MAILED:  
MAILED

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

JUN 20 1979

GROUP 120

☒ This application has been examined. ☐ Responsive to communication filed on \_\_\_\_\_ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), \_\_\_\_\_ from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited, Form PTO-892.            | 2. <input type="checkbox"/> Notice of Informal Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152. | 4. <input type="checkbox"/> _____                                       |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-14 are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2. ☐ Claims \_\_\_\_\_ have been cancelled.
3. ☐ Claims \_\_\_\_\_ are allowed.
4. ☒ Claims 1, 11-13 are rejected.
5. ☐ Claims \_\_\_\_\_ are objected to.
6. ☒ Claims 2-10, 14 are subject to ~~reexamination~~ election requirement.
7. ☐ The formal drawings filed on \_\_\_\_\_ are acceptable.
8. ☐ The drawing correction request filed on \_\_\_\_\_ has been ☐ approved. ☐ disapproved.
9. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has  
☐ been received. ☐ not been received. ☐ been filed in parent application, serial no. \_\_\_\_\_,  
filed on \_\_\_\_\_.
10. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
11. ☐ Other

## PART III

SERIAL  
NUMBER 020383GROUP ART UNIT  
122

## NOTIFICATION OF REJECTION(S) AND/OR OBJECTION(S) (35 USC 132)

	CLAIMS (1)	REASONS FOR REJECTION (2)	REFERENCES * (3)	INFORMATION IDENTIFICATION AND COMMENTS (4)
1	1, 11 12, 13	35 USC 112 <sup>1st</sup> <del>1st</del>		No REASONABLE ASSURANCE that SCOPE claimed is OPERATIVE FOR ASSERTED USEFULNESS
2	1, 11 12, 13	Judicial DOCTRINE		Improper MARKUSH claims, (60 PR 544 AT P. 546, col. 1 <sup>st</sup> 44-1936 C.D. 468; 1958 C.D. 447; 1962 C.D. 450; MPPEP 706.03(x) SENTENCE BRIDGING COL. 1T2)
3				
4				

5

No generic claim being allowable,  
ELECTION OF A SINGLE SPECIES IS  
REQUIRED. (37 CFR 1.141; MPPEP 808.01(a))

\* Capital letters representing references are identified on  
accompanying Form PTO-892

The symbol "+" between letters represents - in view of -  
The symbol "&" between letters represents - and -  
A slash "/" between letters represents the alternative - or -

NOTE: Sections 100, 101, 102, 103, and 112 of the Patent Statute  
(Title 35 of the United States Code) are reproduced on the  
back of this sheet.

EXAMINER

TEL. NO.  
(703) — 557 23032

*Jose Tovar*  
JOSE TOVAR  
EXAMINER  
"ART UNIT"

35 U.S.C. 100. Definitions. When used in this title unless the context otherwise indicates —

- (A) The term "invention" means invention or discovery.
- (B) The term "process" means process, art or method, and includes a new use of a known process, machine, composition of matter, or material.
- (C) The terms "United States" and "this country" mean the United States of America, its territories and possessions.
- (D) The word "patent" includes not only the patentee to whom the patent was issued but also the successors in title to the patentee.

35 U.S.C. 101. Inventions patentable. Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, subject to the conditions and requirements of this title,

35 U.S.C. 102. Conditions for patentability: novelty and loss of right to patent. A person shall be entitled to a patent unless —

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention; or
- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States; or
- (c) he has abandoned the invention; or
- (d) the invention was first patented or caused to be patented by the applicant or his legal representatives or assigns in a foreign country prior to the date of the application for patent in this country, more than two years prior to the filing of the application in the United States; or
- (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant or he did not himself invent the subject matter sought to be patented; or
- (f) he did not himself invent the subject matter sought to be patented, or determined by another who had not abandoned, suppressed, or concealed it, in country by another who had not abandoned, suppressed, or concealed it, in reasonable diligence of one who was first to conceive and last to reduce to practice, from a time prior to conception by the other.

35 U.S.C. 103. Conditions for patentability: non-obvious subject matter. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject

matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

35 U.S.C. 112. Specification. The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and carry out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention. A claim may be written in independent or dependent form, and it in dependent form, it shall be construed to include all the limitations of the claim

incorporated by reference into the dependent claim. An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.